



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

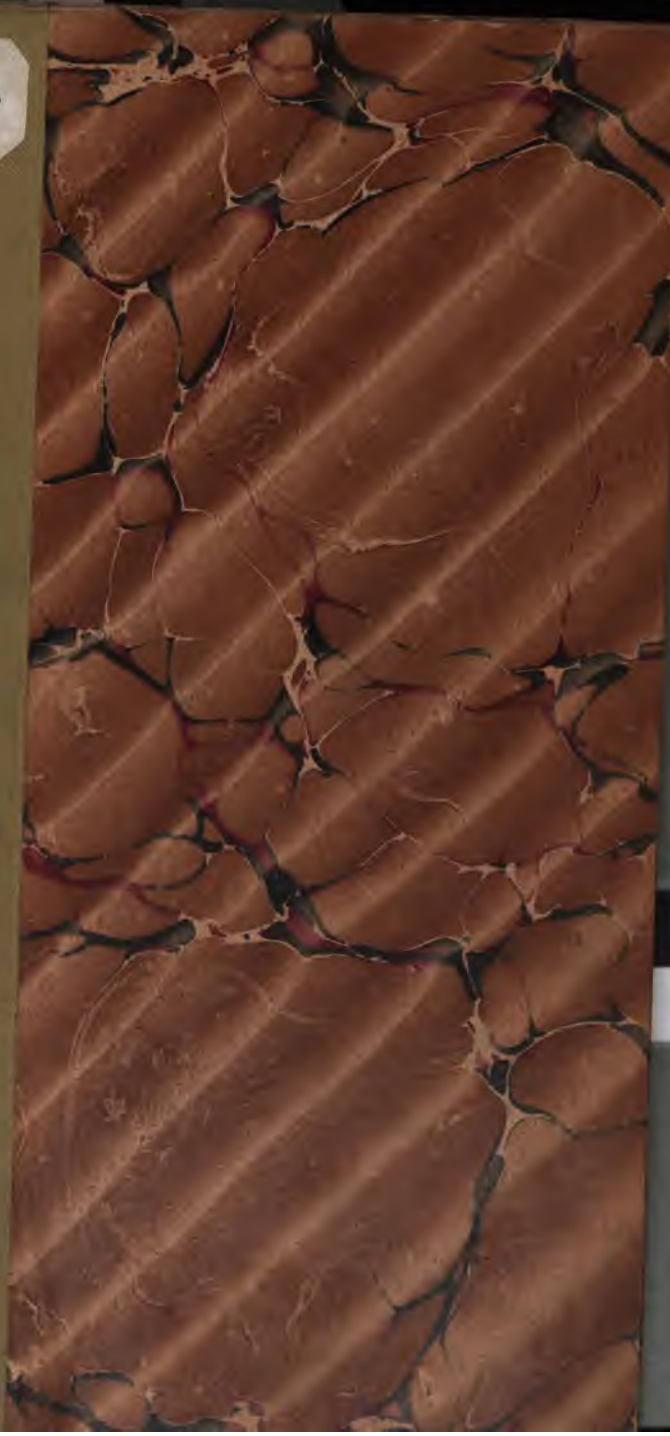
About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

The Incorporation of Ohio Yearly Meeting

1833

C
8324
170



C 8324.179



**HARVARD
COLLEGE
LIBRARY**



No. 7.

THE
INCORPORATION
OF OHIO YEARLY MEETING,

FOR THE PURPOSE OF ESTABLISHING

A BOARDING SCHOOL.

DEFENDED:

OR AN EXPLANATION OF THE APPLICATION

MADE BY FRIENDS,

TO THE LEGISLATURE OF OHIO.

BY ELISIA BATES.

MOUNT PLEASANT, OHIO.

1833.

C 8324.179

HARVARD COLLEGE LIBRARY

GIFT OF

HENRY JOEL CADBURY

MAR 3 1937

THE INCORPORATION OF OHIO YEARLY MEETING.

A most extraordinary degree of zeal and perseverance has been manifested by the Hicksites lately, in circulating three articles, purporting to be speeches delivered in the House of Representatives of the Ohio Legislature last winter, against the act of Incorporation for which we petitioned. These pieces have been published in various Newspapers, from Columbus to Philadelphia; and how much further I know not; as if the very existence of the Hicksite Society depended on the effect to be produced by them. I do not pretend to know whether they were delivered in the Legislature or not, or whether they are the productions, extemporaneous or studied, of the individuals whose names they bear, or were *written* by some ignorant, or ill designing individuals of the Hicksite connection, to circulate, as they have been circulated, to produce an effect on the public mind, which could not be produced in a fair and honorable way. We asked for an act of Incorporation, for the special purpose of carrying into effect a *trust*, in establishing and governing a Boarding School, for the Education of the children of our own members. The Bill which we prepared, we endeavoured so to frame, as to have no effect on the Hicksites whatever, nor any bearing on any other concern of the Society, or any property which did not pertain to the proposed Boarding School. This Bill, after being changed considerably in many of its provisions, passed the Senate, about two weeks after its introduction into that body. It was detained in the House about a month, during which time some amendments were suggested in Special Committee, which would have had a most disastrous effect on the Society, as well as have totally defeated the very objects for which it was proposed. The effect would have been not only to have destroyed the character of the Yearly Meeting, but to have deprived it of the whole amount of the funds provided for the School, down to the date of the Incorporation, and all the property previously held by the Society for general purposes—such as Meeting houses, Grave yards, &c. &c. The information was kindly communicated to us by some of our friends in the Assembly. In our reply, after stating the consequences of the proposed amendments, we requested that if a suitable act could not be obtained, they would use their utmost exertions to defeat the Bill, and prevent it from passing in a form that would be injurious to the interest or reputation of the Yearly Meeting.

The Hicksites had organized a most formidable opposition to

the Bill. Before we reached Columbus, as we were informed, individuals both in and out of the Legislature had been written to to oppose it. While it was pending in the Legislature, letters were written from Columbus in various directions through the country, meetings of the Hicksites were called, and remonstrances were got up, signed by the Hicksites, and such other persons as could be persuaded to take part in the opposition. Of the contents of these remonstrances, I know nothing more than is discovered in the speeches (so called) before me. The Bill as modified passed the Senate on the 22nd of 1st month, or about that time. On the 20th of 2d month it came up before the House of Representatives, and was postponed: a result more satisfactory to me than if it had passed in the form in which it was before the House.

The speeches alluded to, which bear the names of Blocksom, Kreider, and Harlan, whether delivered in the House, as now published, or not, are a most virulent, and unprovoked attack on the Society of Friends. And it really is surprising that the Hicksites should have resorted to the use which they have made of them, and for which they *appear* to have been originally designed. It was imprudent, because the arguments, (if arguments they can be called) which they contain, rest upon statements palpably untrue; and because, also, they revive and bring into view, transactions on the part of the Hicksites, which common modesty, and common prudence would have rather left in the shades of forgetfulness. I regret to have to reply to such an attack on the Society, for several reasons. As respects the Hicksites themselves, I had begun to indulge the hope that the violent proceedings which marked their conduct during the separation, were the effects of the excitement of that period and had received, long before this time, their sincere, though secret disapprobation—and that we might be saved the painful necessity of bringing them into remembrance again with the public. I regret it as respects the Legislature, towards which I have cultivated the feelings of all due respect, and I sincerely deplore the necessity of treating, as justice demands, the speeches alluded to although they may never have been delivered, in the House as they are now before the public. It is, however, a sufficient apology to say that we stand entirely on the defensive, and would not willingly, on the present occasion, have said any thing to wound the feelings, either of the Hicksites, or the individuals concerned.

In the first place, I do assert positively, that it was not the intention of Friends in making the application for an act of incorporation, to affect the concerns, the claims, rights, interests, or pretences of the Hicksites, in any way whatever. We sup-

posed that it was not in the nature of legislative proceedings for any thing we could obtain from the Legislature, if they had been disposed to grant us any thing, and every thing that could have been conceived, to have affected the *rights* of any class of people who were not parties to the application. We might injure our own interests, but we could not injure the rights or claims of others. In this opinion we were supported by individuals acquainted with the principles of law. But we did not *wish* the Bill, to have any bearing on the Hicksites, in any possible respect. The Bill was drawn by an individual of extensive legal knowledge, and was intended to be confined to the single object of the proposed Boarding School—to have no relation to the Hicksites, nor any bearing on the common property or concerns of our own Society.

Such being the state of the case, it was really surprising that the Hicksites should have raised the opposition which they did, and still more surprising that they should have pursued their subsequent course.

We considered it necessary that the Yearly Meeting should be incorporated, though the incorporation was for a single specific object, because the *trust* of establishing and governing the proposed Boarding School, was expressly confided to that body by the donors of the funds, and no other body could be created for that purpose.

Soon after the establishment of Ohio Yearly Meeting, the necessity for such a School was seen, and some funds were offered for the purpose by individuals, members of this and a neighbouring Yearly Meeting. A part of these funds, and a considerable part too, was lost for the want of an act of incorporation. The amount received was totally inadequate for the purpose, and the subject lay dormant for a number of years. In 1831 an effort was made to raise additional funds and put the school in operation. From that period to the time of the application to the legislature, about twelve or thirteen thousand dollars were nominally added to the funds by subscriptions, donations, and legacies. Of the small amount of funds raised before the separation, I do not know that a single dollar was contributed by any of those who opposed the Bill, or all of them put together. And if they supposed they had any claim to it, in consequence of their previous connection with the Society, they never had set up the claim that I know of, even in the way of private application—demand—or proposition for compromise. The Funds alluded to were in our hands:—We of course did not want a law to enable us to get it—and no law could, consistent with the constitution, destroy the validity of contracts, or dissolve the equitable rights of individu-

C 8324.179



**HARVARD
COLLEGE
LIBRARY**

rights, or any question or dispute which has, or may now exist in or ~~with~~ the Society of Friends; or have any bearing on any question connected with the schism which took place in Ohio Yearly Meeting in the year 1829." There may appear to be some awkwardness in this proviso, but it was intended to avoid the use of any epithets, as applied to the Hicksites, which they might have regarded as offensive. On the point however to which it related it was full and clear. The latter member, from some cause or other, was never added to the Bill. But another clause was inserted by the select committee of the House. [See the last sentence in the following copy of the Bill.]

Notwithstanding the Bill was thus guarded against interference with the Hicksites, and their advocates in the legislature could have added any other guard they might have thought proper, it was treated, as we shall presently see, with extreme harshness. It may not be improper here to remark, that when we were informed of an objection which was raised against the title we adopted for the meeting, which was simply "Ohio Yearly Meeting," unreasonable as the objection was, and without intending to concede any thing to the objectors, we offered five other titles for the meeting—with either of which we would be satisfied. Associations or Societies applying for acts of incorporation, are generally, if not universally allowed to choose their own names—unless the same name had been adopted by an incorporated company before. The variation for distinction, devolves on the second applicants; and not on the first. And one single word, is sufficient for the purpose of a legal distinction. And it seems to me the height of absurdity and arrogance for any set of objectors—declaring as the Hicksites did, that they never intended to ask for such an incorporation, to object to every title the party concerned could propose, and claim the right to dictate one themselves—which might injure the character, and even destroy the rights of the party to whom it was applied.

The Bill as it was before the House when it was postponed, (with which disposition, I as an individual am well satisfied,) was in the following form:

A BILL

To incorporate the Ohio Yearly Meeting, for certain purposes therein mentioned.

WHEREAS, The Ohio Yearly Meeting of Friends have received by donation, subscription and otherwise, property and funds for the purpose of establishing a Boarding school, and now have the promise of further donations

and gratuities from other Yearly Meetings and individuals, for the same and like purposes: And whereas, the said Ohio Yearly Meeting, in the prosecution of the object for which said donations and subscriptions were made, have purchased real estate, near Mountpleasant, in the county of Jefferson, the legal title of which is now in David Updegraff, in trust: Now, therefore, to enable the said Ohio Yearly Meeting to take, hold, and fully execute the trusts aforesaid, and all other like trusts created and held for like purposes,—

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, that William Flanner, Isaac Parker, Benjamin W. Ladd, John Street, Jesse Kenworthy, Levi Miller, and their associates, be, and they are hereby created a body politic and corporate, by the name of the "Ohio Yearly Meeting," and as such shall have perpetual succession, and shall be capable, by that name, of suing and being sued, of pleading and being impleaded, in all courts of law and equity; and when sued or prosecuted in any way, the service of any process by copy on the clerk of said corporation, shall be taken and received in all courts as good and legal service; and the said corporation is hereby made capable of establishing, regulating and governing the boarding school, for which donations have been made as aforesaid, and any other school or institution of a literary or benevolent character, for which donations, gift or charities have been or may hereafter be bestowed; and for those purposes shall be capable of receiving, holding and enjoying any estate, real, personal, or mixed, and of transferring and alienating the same; and all contracts heretofore made by said yearly meeting for and on account of the donations, subscriptions or gratuities before mentioned, and within the purposes and objects thereof, shall enure to the benefit and become the right of the said corporation under this act: Provided nevertheless, that the real estate which the said corporation may at any time possess in its corporate capacity shall not exceed in its yearly income the amount of five thousand dollars: And provided also, that any future legislature may alter or amend this act, limit or modify the pow-

ers herein granted, as may seem consonant with the public welfare and consistent with vested rights.

Sec. 2. That the corporation hereby created shall have the power in its regular sittings, in the regular and orderly manner of transacting business, of adopting any proper measures, orders or regulations for the establishment of the said boarding school, or other school or institution which the said yearly meeting may establish by virtue of, and within the powers given by this act; and of appointing and changing such committees as may be requisite to accomplish the objects of this act: Provided, that in every case in which any donation of any kind has been made, or shall hereafter be made to the said corporation for any literary, charitable or religious object or purpose, the intents of the donor shall be forever regarded, and the donation shall forever be used, employed and appropriated to the sole and only object and purpose for which the donor intended it: Provided also that the funds or other property of the said corporation, whether held in trust or in its own right, shall never be employed in the business of banking: Provided that nothing contained in this act shall be construed to affect vested rights, or any question or dispute that has or now may exist in or with the Society of Friends, "with regard to any meeting house, school house, gifts, funds or donations, or any other property, real, personal or mixed; but the same shall be held, occupied and enjoyed in every respect, and to all intents and purposes, as though this act had never been passed."

The three speeches to which I have alluded, are represented by the Hicksites, as the most masterly exhibition of their cause that ever has appeared before the public. Perhaps they are so. The estimation in which they are held, the industry with which they have been circulated from west to east, and north to south, will entitle them to some attention and examination, though I consider them, as to their own simple, intrinsic character, as perfectly beneath notice. The members of the legislature whose names they bear will please to excuse me for this freedom. If the pieces in question are not their own production they should disavow them, and if they are, they should be content to receive a just rebuke for the unprovoked injury they have done to a peaceable and unoffending people.

The first speaker, Blocksom, sets out with a remarkable de-

play of his ignorance of the simplest facts connected with the subject of his speech. He first asserted that the application had been made *without a petition*. On being informed by one of the members from Jefferson, that he was incorrect—he went on to say, that the petition was “signed by very few, perhaps only by the half dozen whose names are sought to be incorporated in this Bill.” This guess was about as wide of the mark as the first. Not a single name that he supposed was to the petition, but only the name of the clerk of the meeting which drew it, and which, according to the long established usage of the Society, in every part of the world, represented the whole Yearly Meeting.

These blunders to be sure were not very important; only they shewed that he had not attended to the subject so as to become acquainted with facts, that every body in the House and about it, might have known.

He then proceeds to make another statement, perfectly in character with the foregoing. Alluding to the separation which has taken place between Friends and the Hicksites, he says: “In the few further remarks which I have to submit, I shall view them as one united body of people, and as if no division had ever taken place among them.” Now I do not suppose that any body else in this world *pretends to view* those two Societies “as one united body of people.” But as no body can believe it to be true, I need not take the trouble even to contradict it. On these extraordinary premises he raises the fabric of his eloquence; bearing a just portion and relation to its base.

In casting his eye over the preamble and first section of the Bill, he discovered enough to carry conviction to his mind that it ought not to pass into a law. And what could be this unanswerable objection? Why! “there is a large amount of property, real and personal belonging to Ohio Yearly Meeting.” But why should the amount of property be an objection to extending over it the protection of the laws? Can any conceivable reason be given for such a conclusion? It is true that when there is a design to resort to *scrambling* kind of possession, the prospect of advantage may bear some proportion to the amount of property on which this system is intended to operate, and the success of the whole scheme may be dependent on leaving that property as much as possible unprotected by the laws. But I cannot suppose the *honorable* member intended any thing of this kind, whatever might have been the secret designs of his advisers and prompters.

He then makes a most remarkable parade of alarm about the form of the Bill, in mentioning the names of six individuals and their associates, to be incorporated as “Ohio Yearly Meeting.” He does not appear to have had the most remote idea that this

is the common mode adopted in all incorporations of religious Societies. Perhaps he had never seen a Bill of incorporation before; or if he had seen such things, had forgotten their very forms, and had recourse to his *guessing* faculties as he did in the case of the petition. From this he proceeded to bring into view an insuperable difficulty he had discovered in devising a mode of legal redress, if the incorporation should misapply the funds entrusted to their care. He could not conceive how a suit could ever be instituted against them, for the want of legal plaintiffs in the case. If his reasoning is correct at all, it exists to a greater extent without an incorporation than it would with one. It will apply also to the defendants, as well as to the plaintiffs. Had he been a man of legal knowledge, however, I do not suppose he would have made the objection, nor would he even have insinuated that an act of incorporation would increase the difficulty. In a perfect dilemma from the difficulty of sustaining a law suit by a numerous society as plaintiffs, he brought his speech to a close. And on looking over it from beginning to end, we trace him through a series of blunders to a labyrinth of difficulties, in which he was completely lost, and where, for the present, I shall leave him.

The next speech of the set bears the name of KREIDER. He sets out in a very imposing style. "I rise, Mr. speaker," says he "to make a few remarks on this bill. First, in order to explain my views, and the principles which shall govern my actions in relation to it; and secondly to give that information which perhaps is not generally known." The copy of the speech before me is in the Winchester Republican of the 6th ult.

In the development of "that information not generally known," he states a number of things among which is the riot committed by the Hicksites in Ohio Yearly Meeting in 1825, and for which I should think the intelligent members of the Hicksite society would not thank him. He notices the prosecution of several of the rioters, and their conviction before the court of common pleas of Jefferson county, and the almost unexampled mildness of their sentence which was requested by Friends, and in which the court fully and from its own impressions concurred. And in a peculiar manner his attention, sympathy and fraternal feeling seemed to be directed to one of those individuals concerned in that disgraceful riot, and who shouted Huzza for Jackson, when a religious meeting had been converted into one of the most awful scenes of confusion ever witnessed in a civilized community: when common decency—the provisions of law, and the solemnities of religion were equally disregarded, and aged and estimable men were literally trodden under foot, or crushed almost to death. Whether the eui-

grum he pronounced on this individual was the spontaneous effusion of congenial feelings, or as a remuneration for aid afforded him in making his speech or in communicating the "information not generally known," I shall not pretend to determine. But one thing is remarkable; there is some ingenuity displayed in the choice of words in this part of the speech. Take for example the following expressions: "But sir, he is a gentleman of undoubted talent, and respectable ability." Now I would ask what combination of sounds could he have found in the English language, which would have been so much like *respectability* as the two last words in the quotation; and yet not be the thing at all? I think, however, that this ingenious management of sounds, was a very unnecessary waste of the speaker's wit. The individual alluded to, I suspect is more extensively known than the speaker himself. This is unquestionably the case in a large section of this end of the state, and I presume it is equally true in other places. But had he been disposed to pay him a sincere compliment, and instead of confining himself to a play upon words about *abilities*, he had asserted that the individual was as much of a gentleman, and man of worth as he was himself—I, for one, would never have called the declaration in question.

I will now advert back to the argumentative part of the speech. "The Society of Friends," says he, "is divided into two parties; each claiming to be the Society of Friends, and each holding an equal interest, in proportion to their numbers, in stocks, lands and tenements, held in common." The sentiment contained in this quotation is at variance with legal decisions which stand as undisputed authority both in England and America. It is in direct violation of the nature of a *trust*, and the very principle on which the property alluded to is held. He seems to have mounted on a Hicksite *Hobity*, and rode on regardless of his own province as a legislator, and the principles and facts involved in the case thus improperly obtruded on the House. I say it was improperly thrown before the House, because the controversy between the two Societies concerned, is not a subject for *legislative*, but judicial investigation and decision. He arraigned us before a tribunal which had no jurisdiction in the case, and he pronounced judgment without evidence, without investigation, without our being heard, and contrary to the highest judicial authorities in similar cases. The governing principle in such cases is, that a *trust* can never be diverted from its original object—and hence a compromise or division of such trusts is totally inadmissible.

But he is not more correct in point of fact than he is in principle. The stocks, lands and tenements are not held in com-

mon. I speak of the property belonging to the school concern, for the Bill related to no other. This has never been held in common, but is, and always has been in our own hands. As to real estate, there is no other than the tract of land purchased last year as a site for the school. I say last year, for the deed was executed then, though the bargain was probably made near the close of the year 1831. But though the land was thus recently purchased, and the funds principally raised within the last two years, yet it appears that this Hicksite advocate claims for his party an equal interest in these funds, according to numbers!! It would have been kind in him if he had communicated a little more information not generally known, and told whether they ever intend to permit us to raise funds from our own resources, without setting up a claim to an equal interest to them in proportion to numbers; and if opportunity offer, lay violent hands on any part or the whole, according to circumstances.

He then proceeds to pass a very high encomium on the Hicksites for their overtures of compromise. Though the principle of compromise in the case alluded to, is totally incompatible with the nature of a *trust* and of course with the terms by which the property of the society is held, and we have no right whatever to enter into any arrangements of that kind for its disposition; yet it may be proper to make a few remarks on the subject in a different point of view, and say something of the Hicksite generosity and honesty so much applauded by Kreider.

And first it may be asked, what are the admirable offers they have made? I really do not know; but probably I shall be told that they have proposed a division of the property according to numbers. But a previous and very important question arises, whether they have any right whatever to the property or not? This question they have never, that I know of, proposed to submit to arbitration. Let us then suppose a case. Take for example that some strong armed individual should take forcible possession of our orator Kreider's house (if he has one) and turn him and his family (if he has one) out of doors. And that he should then gravely propose that they should amicably settle the difference, by dividing the property, according to the numbers of their respective families. Would he think the intruder "manifested the most honest, just, and christian like disposition?" Suppose further, that he should apply to the civil authorities of his country to reinstate him, and protect him in his rights—and after this

should apply to the legislature for an act to make a road, form a library, or establish a school. And some officious member should get up, and charge him with being a dishonest man, unworthy the name of a citizen—guilty of fraud and deception, and practising high handed oppression—and wanting only the *strong arm of the law, applied seriously and with weight and power*—merely because he did not accede to the offer of the intruder on his property—would he think the individual who was *capable of such abuse, in such a place*, had any correct sense of common civility or common justice? This, to be sure, is a supposed case, but it may have a tendency to throw some light on the case before us. And Kreider may derive instruction from it if he can. But if it should be said by any, that the two cases are not parallel—that the Hicksites once had rights in common with us—I answer, that whatever rights they may have possessed *as individuals*, in common with us, and in unity with us—they never possessed any rights whatever as a religious society or separate body; and as individuals they have been disowned, and according to the usage of all Societies have now no such rights. But without insisting further on this reply, it may be remarked that their shunning an investigation of their right, places the objection completely out of the question. We are willing—perfectly willing that our conflicting claims should be investigated, and decided and settled by the established authorities of our country—But if they waive this and rest on force and possession they place themselves exactly in the attitude of strangers, or invaders, who taking possession, claim, as fair and undeniable—a division of property.

But to return to the Hicksite liberality. The great question, on which all others in controversy between us must turn, is the validity of the Hicksite claim to the character of the Society of Friends. Full of compromise as they have been, they have never offered to compromise this question. They have never suggested the idea that I know of, that they were willing to submit this important question to the undivided Yearly Meetings of the Society. There are five of these, London, Ireland, New England,

the Bill. Before we reached Columbus, as we were informed, individuals both in and out of the Legislature had been written to to oppose it. While it was pending in the Legislature, letters were written from Columbus in various directions through the country, meetings of the Hicksites were called, and remonstrances were got up, signed by the Hicksites, and such other persons as could be persuaded to take part in the opposition. Of the contents of these remonstrances, I know nothing more than is discovered in the speeches (so called) before me. The Bill as modified passed the Senate on the 22nd of 1st month, or about that time. On the 20th of 2d month it came up before the House of Representatives, and was postponed: a result more satisfactory to me than if it had passed in the form in which it was before the House.

The speeches alluded to, which bear the names of Blockson, Kreider, and Harlan, whether delivered in the House, as now published, or not, are a most virulent, and unprovoked attack on the Society of Friends. And it really is surprising that the Hicksites should have resorted to the use which they have made of them, and for which they *appear* to have been originally designed. It was imprudent, because the arguments, (if arguments they can be called) which they contain, rest upon statements palpably untrue; and because, also, they revive and bring into view, transactions on the part of the Hicksites, which common modesty, and common prudence would have rather left in the shades of forgetfulness. I regret to have to reply to such an attack on the Society, for several reasons. As respects the Hicksites themselves, I had begun to indulge the hope that the violent proceedings which marked their conduct during the separation, were the effects of the excitement of that period and had received, long before this time, their sincere, though secret disapprobation—and that we might be saved the painful necessity of bringing them into remembrance again with the public. I regret it as respects the Legislature, towards which I have cultivated the feelings of all due respect, and I sincerely deplore the necessity of treating, as justice demands, the speeches alluded to although they may never have been delivered, in the House as they are now before the public. It is, however, a sufficient apology to say that we stand entirely on the defensive, and would not willingly, on the present occasion, have said any thing to wound the feelings, either of the Hicksites, or the individuals concerned.

In the first place, I do assert positively, that it was not the intention of Friends in making the application for an act of incorporation, to affect the concerns, the claims, rights, interests, or pretences of the Hicksites, in any way whatever. We sup-

posed that it was not in the nature of legislative proceedings for any thing we could obtain from the Legislature, if they had been disposed to grant us any thing, and every thing that could have been conceived, to have affected the *rights* of any class of people who were not parties to the application. We might injure our own interests, but we could not injure the rights or claims of others. In this opinion we were supported by individuals acquainted with the principles of law. But we did not *wish* the Bill, to have any bearing on the Hicksites, in any possible respect. The Bill was drawn by an individual of extensive legal knowledge, and was intended to be confined to the single object of the proposed Boarding School—to have no relation to the Hicksites, nor any bearing on the common property or concerns of our own Society.

Such being the state of the case, it was really surprising that the Hicksites should have raised the opposition which they did, and still more surprising that they should have pursued their subsequent course.

We considered it necessary that the Yearly Meeting should be incorporated, though the incorporation was for a single specific object, because the *trust* of establishing and governing the proposed Boarding School, was expressly confided to that body by the donors of the funds, and no other body could be created for that purpose.

Soon after the establishment of Ohio Yearly Meeting, the necessity for such a School was seen, and some funds were offered for the purpose by individuals, members of this and a neighbouring Yearly Meeting. A part of these funds, and a considerable part too, was lost for the want of an act of incorporation. The amount received was totally inadequate for the purpose, and the subject lay dormant for a number of years. In 1831 an effort was made to raise additional funds and put the school in operation. From that period to the time of the application to the legislature, about twelve or thirteen thousand dollars were nominally added to the funds by subscriptions, donations, and legacies. Of the small amount of funds raised before the separation, I do not know that a single dollar was contributed by any of those who opposed the Bill, or all of them put together. And if they supposed they had any claim to it, in consequence of their previous connection with the Society, they never had set up the claim that I know of, even in the way of private application—demand—or proposition for compromise. The Funds alluded to were in our hands:—We of course did not want a law to enable us to get it—and no law could, consistent with the constitution, destroy the validity of contracts, or dissolve the equitable rights of individu-

He proceeds; "And what do they [the Hicksites] tell you in their remonstrance? In the language of the true Quaker they tell you they cannot so far recognize their right to bear arms as to apply for such an act." This then appears to be the sum and substance, or only intelligible sentence in the whole remonstrance. But I acknowledge it has puzzled me not a little to know what meaning to attach to it, or whether it has any meaning at all, or what possible relation its meaning (if it has any) can have to our obtaining an act of incorporation. I suppose we may conclude that they do not want to be incorporated. But what is that to us? We have nothing to do with them, and never had an idea of including them with us. And they had no more occasion to remonstrate against being incorporated with us, than the Pope of Rome. But there is one other feature in this extract more curious still. It is "*their right to bear arms*," which they claim in the remonstrance; but do not wish to say much about it, or to have it recognized just now. But what connection there can be, between their right to bear arms, and an act of incorporation to establish a boarding school is a perfect riddle to me. Kreider and Harlan were no doubt let into the secret, as an important part of the "information not generally known," for they both mention it. But as they did not explain it, we must be satisfied to leave it, till time shall disclose the secret. He says the Hicksites know that to "apply to a legislative body for an act to incorporate their meetings or their schools, would be a direct violation of the principles by which they profess to be governed." Now I cannot tell what principles of the Hicksites would be violated by such an application, except the principle on which they seem so generally to have acted—of *taking*, without law, the property of the Society whenever and wherever they can get hold of it.

"Whoever has at any former time," says he, "known this people, (or any party assuming their name) to apply for the benefit of such a law? They have had their meetings, and they have had their schools from the commencement of the Society without such aid. And now for the first time do they think it necessary to call the law to their aid and support (or a party assuming their name) and under circumstances too which involve suspicion of *fraud* and *deception*." His passion evidently outran his wits in a large proportion of his speech. And what could have put his feelings into such a fermentation is difficult to conceive. Whatever it might have been, it is certain he intended to lay his censure upon us "with weight and power." It falls however to the ground, and only stirs up a little dust for the eyes of the Hicksites.

But as he has so boldly asserted that this is the first time the Society has ever applied for an act of incorporation, I will tell him, that several individuals, on behalf of themselves & the other members of the Monthly Meeting in Philadelphia, about the year 1697, applied for an act of incorporation for the purpose of establishing a school. The charter was granted, and afterwards confirmed by

William Penn himself. The Yearly Meeting of New England, many years ago, applied for and obtained an act of incorporation for a purpose exactly similar to that which we have in view. And our bill in some of its most material provisions was copied from theirs. The Yearly Meeting of North Carolina has long been a body corporate and politic, and for general purposes. And by virtue of the powers it possesses as such, has received the transfer of all the slaves which were held by its members, which the laws would not admit to be emancipated. By this means more than one thousand human beings have been released from the miseries of hopeless slavery.

"Let this bill become a law (says he) and I venture to predict, that twelve months will not have passed away before the jails of the counties where these people reside will be filled to overflowing." What possible construction can be given to this passage? The Bill as already stated had no manner of relation to the Hicksites. It had not the least reference to the common property of the Society. The only funds now in existence that the bill embraced are in our own hands. We have not *even* to collect a single dollar from the Hicksites. How then are the jails to be filled to overflowing? The question is a serious one, because the prediction coming from an individual possessing "information not generally known," has a very ominous aspect. Can the mystery be solved in any other way than by supposing, that there is a secret determination on the part of the Hicksites, to make a violent and lawless attack on the Society of Friends, to forcibly possess themselves of a part or the whole of this property, and thus compel us again to ask the protection of the laws of our country? When I first saw the passage, this explanation was forced upon my mind, but I concluded at the same time that he had done the Hicksites injustice--and that they would not now descend to such an act of moral turpitude. I have however been informed from credible authority that several individuals of the party, do actually talk of resorting to the very measure suggested. Still I cannot believe that such a procedure will be countenanced by the better part of that Society.

He concludes his speech with a remarkable declaration: "I feel that I have discharged my duty towards my own conscience, and the high responsibility under which I act." This declaration appears to have been very necessary, if he wished the thing stated to be believed. For my own part, I never should have thought of such a thing if he had not positively asserted it. And now, as it is brought into notice, we all have a right to form our own opinions, whether the manner in which he has treated the subject was required by a correct conscience; or any responsibility under which he acted.

The next speech is attributed to — Harlan. On looking over the two ascribed to Kreider and Harlan, it would seem that one common genius produced them both: but expending its powers on the

first, and from some mysterious partiality giving it to Kreider, Harlan could do nothing more than follow in his track, and say the same things over again. I am not aware of one single original idea contained in the last speech. He does to be sure go considerably beyond his predecessor in vulgar abuse, but even the ground work of this was put into Kreider's speech. The only originality in it seems to be in calling opprobrious names. He calls the friends whose names were in the bill "the self-styled Simon Pures of the land." He charges us with a design of committing "the blackest fraud" to obtain our purpose—"a spurious, avaricious sect" that it was "a disgrace" (to the Hickites) that "such a party ever emanated from them." &c. &c.

Such a speech is beneath a distinct reply—but to leave him in as comfortable a state of mind as possible, I can assure him that he need not give himself any uneasiness about the character of his Hicksite friends. We never emanated from them, having never been of their Society. Whatever their character is they have it all to themselves. Men of common sense and common honesty will never suppose that the undivided yearly meetings of London, Dublin, New England, Virginia and North Carolina, and the yearly meetings of N. York, Philadelphia, Baltimore, Ohio and Indiana are a mere party that have left the Hicksite Society, which is now but little over five years old, and consists of disowned persons from the yearly meetings of New York, Philadelphia, Baltimore, Ohio and Indiana.

To those who have reflected but little on the nature of incorporation, it may not be improper to remark, that an act of incorporation affords to the property of an association or society, the same kind of protection and security which the laws in common afford to the property of individuals. And no man who is satisfied with living in civilized society and enjoying the protection which the laws extend over his person and his property, both real and personal, can consistently object to having the property of a company equally protected. But as unincorporated companies or associations are not known or recognised in law, the property which they hold as such, is not under the same protection as the property of individuals.

Our Society has always declared that civil government was of divine appointment, and designed to promote the security, happiness and best interests of the human family. If this opinion is correct, it must follow that the benefit alluded to, may properly be—and indeed ought to be—extended to all the affairs of human life.

The objection raised by some persons, either ignorantly or designedly, of a connection of military force with such incorporations is entirely sophistical and unfounded. The man who takes a deed for a farm he has purchased, is as obnoxious to this objection as the company or society which applies to a legislative body for an act of incorporation. And he who quietly sits by his own

fireside under the protection of the law, violates the testimony which we maintain against war, as much as the company or society, which discharges the duties of a *trust*, under the safeguard and security afforded by an act of incorporation.

The system adopted by the flicksites, and manifested not only in their practice, but profession and public declaration, deserves a serious consideration by all classes of the community. If the laws are to be rendered odious, and their provisions to be totally disregarded, and every man to be his own judge, and to *take* whatever property within his reach, he may think proper to claim, it is evident, that not only *religious*, but *civil society* must be thrown into the utmost confusion, if not totally destroyed. Who would be willing to see the salutary restraints of civil government, and the guaranty which it offers, of protection to the persons and property of all, disregarded, thrown down, destroyed—and the principle of violence established, on the ruins of order and happiness, and every man to be considered at liberty to make the dictates of his own inclinations the rule and standard of his actions? Against such a state of things, and every thing that would lead to it, the united voice of the community ought to be raised. Let the principle once become popular—to disregard law, and openly to *take* what the party may think proper to claim—let this gain the approbation of the populace—and the principle be sanctioned by individuals whose standing or offices may give them influence, and it will be difficult to calculate where the consequences will end. In this enlightened age, and in this country, where the positive and relative rights of man are so well understood, and the blessings of civil government, so highly appreciated, it is really astonishing that a system completely destructive to those rights and those blessings should be attempted to be introduced, much less receive the least countenance from others. Who will be secure in his property, or person, or domestic enjoyments, if this system should prevail? If a whole society should deprecate the laws of our country, disregard their provisions, and render them odious, and invade the property of another society, and take by force and violence whatever they please, and this should be countenanced by such as

are most solemnly bound to support civil and religious order, will not individuals follow the example and act on the same principle? And may we not expect to see peaceable individuals not only deprived of their personal property on the high ways and elsewhere, but their very *houses* invaded, and they and their families turned out of doors—if not with their persons abused, at least with the laws of the land insulted, and trampled under foot? The question is one of incalculable importance, and one in which every individual in the community is deeply interested.

NOTE.

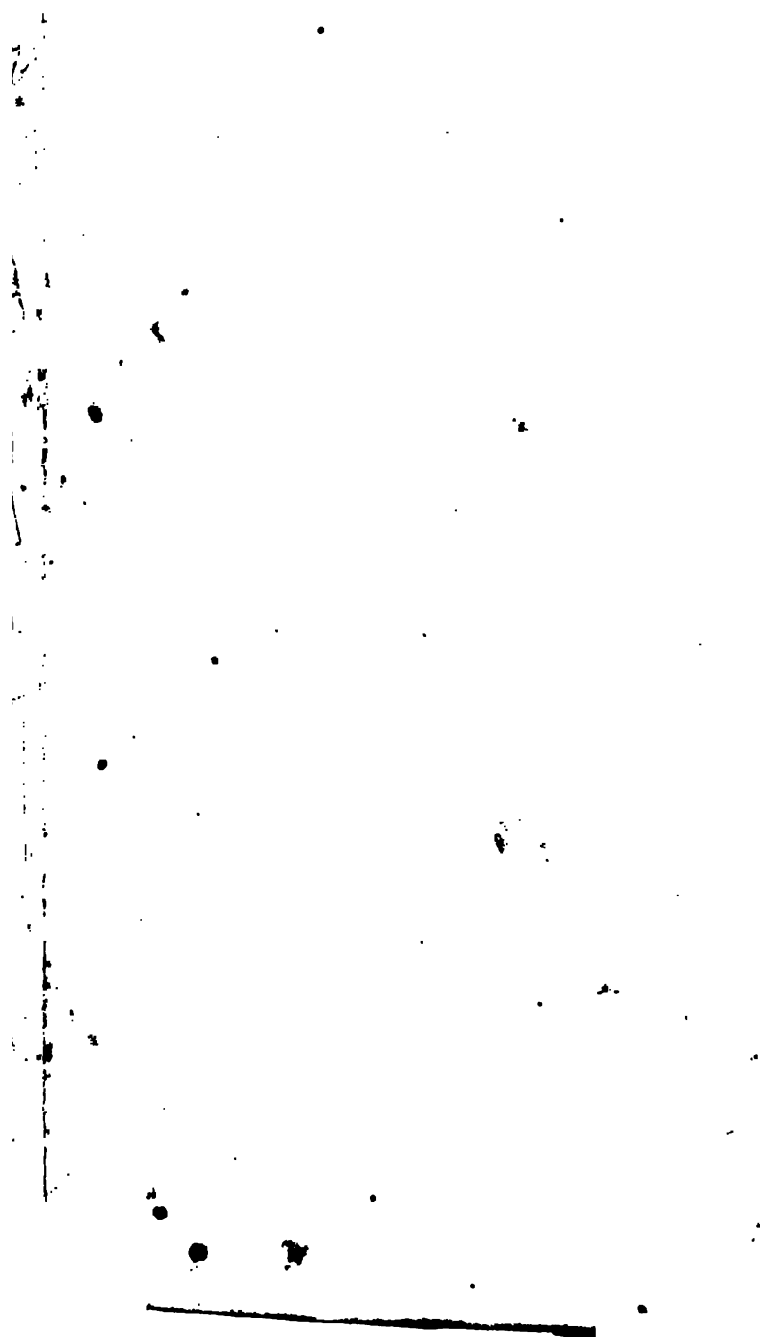
In page 3, some remarks were made on an *amendment*, proposed to the *title* of the Bill, and which would have been embodied in it. It might have been proposed in the committee without any unfriendly feelings to us, or without the least apprehension by any member of that body, of its producing any injurious effects in any way. I do not *know* where it *originated*, and I feel sincere tenderness towards the feelings of those who thought it might suitably be adopted. Still its real character and its probable effects ought to be more generally understood. The amendment was to entitle the Bill: "A Bill to incorporate that part of Ohio Yearly Meeting called Orthodox Friends;" and to introduce the same feature into the body of the bill. If we had accepted this, we should have plainly relinquished the character of a *Yearly Meeting*, in the fullest sense of the term, and in our official proceedings should have had to adopt the style and character of a *part of Ohio Yearly Meeting*. Thus we should not only have formally recognized the Hicksites, but changed the relation we hold with other Yearly Meetings and even with our own subordinate meetings. And as every thing in our connection with those meetings is based on the character we sustain of being a *Yearly Meeting* if we had

destroyed, that character not only other yearly meetings, but our own subordinate branches would not have recognized us.

And if by any possibility it could have been made appear, by our own admission, that we were not *even a Yearly Meeting*, but a new, anomalous body, never known in the Society in its regular organization, we should not have been able to hold any of the former property of the Society, nor even the funds confided to the care of *Ohio Yearly Meeting*, as late as the year 1832.

✂ Some *typographical* errors which had escaped notice in the article in the Repository are here corrected, and a few additional remarks have been added.

Printers who published the Columbus speeches are requested to publish this reply.





Virginia and North Carolina. London was the parent Yearly Meeting, and for many years, exercised a controlling care over the whole Society. The Hicksites have never offered to leave the controversy to the decision of any of these, nor of all of them put together. Those meetings, however have taken up the subject, and all of them have testified against the doctrines held by Elias Hicks and his followers, and have distinctly declared that they hold no religious fellowship with any of their meetings or members.

So much for their offers of compromise; and now I will make a few remarks on the practical comment they have given, of the feelings and principles by which their conduct has been directed. From a hasty glance over the meetings of this Yearly Meeting, I can recollect eight or nine of the meeting houses, of which they have taken entire possession, to the exclusion of Friends. And nearly all the rest they hold in the way of mixed occupancy. At Concord, four miles from this place, they treated Friends with so much rudeness as to compel them to leave the house. There was a school house on the same lot, in which Friends held their meeting for some time after being deprived of the use of the meeting house. This privilege, however, was considered as too much indulgence, and they were literally turned out of doors, with insult and abuse: since which Friends have procured themselves another lot of ground, and built a meeting house upon it.

In Baltimore there were two meeting houses of considerable value. The Hicksites kept both, and let Friends to meet when and how they could. In New York, there were also two valuable meeting houses, and other property worth a large amount. The Hicksites took both, and at the time of the separation excluded Friends even from the basement story of one of the houses, though it was not occupied. In the County of West Chester, N. York, out of eleven meeting houses, the Hicksites took ten. But I have said enough to show the fallacy of these pretense

liberal offers. Were I to go through the several yearly meetings, I could easily fill a volume with a simple detail of their violent proceedings. Their common maxim is, to have nothing to do with the law, but to TAKE the property of the Society whenever they can, and to the full extent of what they can get. And even in respect to LAW they have not adhered to their own profession. The Purchase Lawsuit, as it is called, was brought by the Hickites to recover a small part of a school fund. The fund amounted to about \$3000. The Hickites had the whole of this except about \$500, which was in the hands of a Friend: and the suit was brought for the recovery of this, that they might have it all.

He says the bill was got up in the most secret manner possible, and had passed the Senate, when they were informed, for the FIRST time, that such a project was on foot. Now who THEY were that were informed for the FIRST TIME, after the bill had passed the Senate, is difficult for me to determine. Before we presented the bill we were told that persons both in and out of the legislature, had been written to by the Hickites, to oppose it. It was presented on the 7th of the 1st month, and I think it was the same day, at any rate not later than the next, that I informed the Hicksite counsel, ex-judge Tappan, of our business there, and he affected to wish us success, and talked IRONICALLY of sending his son to the school. A few days after, I was in one of the most respectable Hicksite families in Columbus, with whom I had formerly been on terms of very intimate friendship, and there I stated our business, and explained our views. The bill was about two weeks in the Senate. And it seems to me that this declaration, to make the best of it, must be a very great mistake.

Virginia and North Carolina. London was the parent Yearly Meeting, and for many years, exercised a controlling care over the whole Society. The Hicksites have never offered to leave the controversy to the decision of any of these, nor of all of them put together. Those meetings, however have taken up the subject, and all of them have testified against the doctrines held by Elias Hicks and his followers, and have distinctly declared that they hold no religious fellowship with any of their meetings or members.

So much for their offers of compromise; and now I will make a few remarks on the practical comment they have given, of the feelings and principles by which their conduct has been directed. From a hasty glance over the meetings of this Yearly Meeting, I can recollect eight or nine of the meeting houses, of which they have taken entire possession, to the exclusion of Friends. And nearly all the rest they hold in the way of mixed occupancy. At Concord, four miles from this place, they treated Friends with so much rudeness as to compel them to leave the house. There was a school house on the same lot, in which Friends held their meeting for some time after being deprived of the use of the meeting house. This privilege, however, was considered as too much indulgence, and they were literally turned out of doors, with insult and abuse: since which Friends have procured themselves another lot of ground, and built a meeting house upon it.

In Baltimore there were two meeting houses of considerable value. The Hicksites kept both, and left Friends to meet when and how they could. In New York, there were also two valuable meeting houses, and other property worth a large amount. The Hicksites took both, and at the time of the separation, excluded Friends even from the basement story, of one of the houses, though it was not occupied. In the County of West Chester, N. York, out of eleven meeting houses, the Hicksites took ten. But I have said enough to show the fallacy of these pretended
